

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 20, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B161983 People v. Tinoco
B163440 People v. Sallee
B164651 People v. Guzman
B164743 People v. Munoz
B165449 People v. Carmichael
B166140 People v. Harper
B166575 People v. Holman
B166934 People v. Navarro
B167316 c/w B167897 DCFS v. Adrienne G.
B167392 DCFS v. Kevin C.
B167926 People v. Rodriguez
B171061 Staci L. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

Justice Mallano leaves the bench.

B167581 Johnson
 v.
 California Labor Commissioner, et al.

Merits:

Argued by Geary J. Johnson for appellant and by Anne Hipshman for
respondents. Cause submitted.

DIVISION ONE (Continued)

B158570 Garcia, et al.
 v.
 Directtv, Inc., et al.

Merits:
Argued by Dale H. Oliver for appellants and by Steve Baughman Jensen
for respondent. Cause submitted.

Mallano, J. returns to the bench.

B163968 DeSantis
 v.
 Dewitt, et al.

Merits:
Argued by Stephen A. Smith for appellant and by Cynthia A. Goodman for
respondents. Cause submitted.

Ortega, J. leaves the bench.

B161819 People
 v.
 Watson

Merits:
Argued by Sheila T. Keiter for appellant and by Carl N. Henry, Deputy
Attorney General, for respondent. Cause submitted.

Ortega, J. returns to the bench.

DIVISION ONE (Continued)

B165728 Lee
 v.
 Franciscan Clinics

Merits:
Argued by Ira Reiner for appellant and by James P. Fogelman for respondent. Cause submitted.

B162538 Jaisindhani
 v.
 American President Lines, Ltd.

Merits:
Argued by David T. Azin for appellant Jaisindhani and by John R. Reese for appellant American President Lines. Cause submitted.

B163230 People
 v.
 Pugh, et al.

Merits:
Argued by Joanna McKim for appellant Pugh. No appearance by Joseph P. Lee, Deputy Attorney General, or Leonard J. Klaif for appellant Williams for. Cause submitted.

Spencer, P.J. leaves the bench.

B154230 Avner
B158474 v.
 Lai

Merits:
Argued by Eric Woosley for appellant, by Roxanne Huddleston for respondent Lai, by Jeffrey A. Swedo for Olympus Optical, by Peter Schnaitman for Johnson & Johnson and by Lisa S. Kantor for respondent Outpatient Surgical. Cause submitted.

DIVISION ONE (Continued)

Spencer, P.J. returns to the bench.

Vogel, J. leaves the bench.

B166374 Clancy
v.
The Hot Network, et al.

Merits:

Argued by appellants James J. Clancy and Carol A. Clancy in propria persona, by Mark J. Cambria, Jr. for respondent Vivid Video, by Kim Rodgers Westhoff for respondent L.A. City Counsel and by Henry P. Nelson for respondent County of L.A. Cause submitted.

Court adjourned.

DIVISION TWO

B158880 People (Not for Publication)
v.
Sirilo Alvarez

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi-Todd, J.

DIVISION THREE

B160963 Flot (Not for Publication)
v.
Atlantic Richfield Company

The judgment is affirmed. Arco shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B166108 Ogunmola (Not for Publication)
v.
Division of Medical Quality & Medical Board of California

The judgment of dismissal is affirmed. The Board shall recover its costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B163155 People v. Phillips (Not for Publication)

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B162555 Katinka, Inc.
v.
Cataldo, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B165987 People (Not for Publication)
v.
Allen

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B162078 People (Not for Publication)
v.
King

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B160455 Suzanne Spahn
v.
Ingebord Schmidt

Filed order denying petition for rehearing.

DIVISION FIVE (Continued)

B168239 Jerry Franklin (Not for Publication)
 v.
 Louis Vecchio, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B166156 People (Not for Publication)
 v.
 Freeman

The judgment is modified to reflect presentence custody credits of 487 days of actual custody credit plus 73 days of conduct credit. The trial court shall amend the abstract of judgment accordingly and forward it to the Department of Corrections. The judgment is otherwise affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B163380 Berti (Not for Publication)
 v.
 Levy

The appeal is dismissed. The request for sanctions is denied. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B157587 Levy (Certified for Publication)
v.
City of Santa Monica, et al.
Garai

The order denying the City's motion to strike the Levy's action is reversed. Costs to appellants.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B163933 People (Not for Publication)
v.
Flores

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B165311 Ley (Certified for Publication)

v.

The State of California, et al.

The judgment is affirmed. Costs to respondents.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

DIVISION SEVEN

B165350 Herman (Not for Publication)

v.

Los Angeles Co. et al.

The judgment denying the award of attorney's fees is affirmed.
Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

B163221 Sanai (Not for Publication)

v.

Saltz, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B164778 Finke (Not for Publication)
v.
NYP Holdings, Inc., et al.

The order denying NYP's special motion to strike under section 425.16 is reversed. The cause is remanded to the trial court with directions to enter a new and different order granting the motion as to the cause of action for unfair business practices as to defendants NYP Holdings, Inc., The News Corporation Limited, and News America Inc. and to deny the motion in all other respects. Respondent is awarded her costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B161063 People (Not for Publication)
v.
Gonzalez

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B166913 People (Not for Publication)
v.
Campa

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B164999 Royal Surplus Lines Ins.
v.
Yi

Filed order denying petition for rehearing.

B160534 People
v.
Rivas

Filed order denying petition for rehearing.

DIVISION EIGHT

B164517 People (Not for Publication)
v.
Hernandez

The abstract of judgment is modified to reflect a sentence of 20 years to life by striking the 10-year term imposed pursuant to section 186.22, subdivision (b)(1)(C), and replacing it with a 15-year minimum parole eligibility date pursuant to section 186.22, subdivision (b) (5). In all other respects, the judgment is affirmed. The trial court is directed to send a copy of the modified abstract of judgment to the Department of Corrections.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

January 20, 2004 (Continued)

DIVISION EIGHT (Continued)

B162289 Rabinowitz
 v.
 Rabinowitz
 Estate of Daniel Rabinowitz, et al.

Filed order modifying opinion. (No change in the judgment)